

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

MICHAEL A. NORTON,

Defendant.

CASE NO. 8:09CR213

MEMORANDUM AND ORDER

This matter is before the Court on the Defendant's appeal (Filing No. 21) from the Magistrate Judge's order (Filing No. 20) denying the Defendant's motion to continue the pretrial motion deadline.

Under 28 U.S.C. § 636(b)(1)(A) the court has reviewed the order from which this appeal has been taken. In an appeal from a magistrate judge's order on a pretrial matter within 28 U.S.C. § 636(b)(1)(A), a district court may set aside any part of the magistrate judge's order shown to be clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A).

Defense counsel states that due to the press of business he was unable to meet with the Defendant until the day after the pretrial motion deadline expired, yet he did not file a motion to continue within the original period on that basis. The Court concludes that the Magistrate Judge's decision is not clearly erroneous or contrary to law, and the appeal is denied.

IT IS ORDERED:

1. The Defendant's appeal (Filing No. 21) from the Magistrate Judge's order (Filing No. 20) is denied.

2. The Magistrate Judge's order (Filing No. 20), is affirmed.

DATED this 10th day of August, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge